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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,940	11/08/2001	Hamid Yahyapour	965-P-1	4808
7590	10/20/2004		EXAMINER	
GREGORY J. NELSON NELSON & ROEDIGER Suite 212 3333 E. Camelback Road PHOENIX, AZ 85018			GREEN, BRIAN	
		ART UNIT	PAPER NUMBER	
		3611		
		DATE MAILED: 10/20/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/008,940	YAHYAPOUR, HAMID <i>ST</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Brian K. Green	3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 August 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 3 and 5-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3 and 5-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first panel which includes at least one character set on the first surface and at least one second character set on the rear surface of the panel as defined in claim 11 must be shown or the feature(s) canceled from the claim(s). The applicant shows in figures 4 and 8 and describes in the specification that the display includes front, intermediate, and rear panels which are secured together. Therefore, the at least one second character set is actually on the rear surface of the rear panel. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

Claims 11,3, and 5-10 are objected to because of the following informalities: In claim 11, line 3, "said first" should be "said at least one first". In claim 11, section (e), line 1, "said character" should be "said at least one character". In claim 11, sections (f) and (g), line 1, "said segments" should be "said segments of said at least one second character set". In claim 11, section (h), line 1, "first" should be "front". In claim 11, section (h), line 2, "second" should be "rear". In claim 6, "said panel" should apparently be "said panel" since the applicant only defines a single panel. In claim 9, line 2, "comprises" should be "comprise". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

Claims 11,3, and 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 11, section (e), line 1, stating that the second set is on the rear surface of the first panel is misdescriptive since the figures 4 and 8 show that the second set is located on the rear surface of the rear panel and not the first panel. Further, the specification states that the display includes front, intermediate, and rear panels which are secured together. Therefore, the at least one second character set is actually on the rear surface of the rear panel. In claim 11, section (h), line 3, "the segments" is confusing since it is not clear whether the applicant is referring to the segments mentioned earlier in section h or to additional segments.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,3,5,9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of Oelschlaeger (U.S. Patent No. 3,740,878).

Roussel shows in figures 1-5 a first panel (16), at least one character set (12,14) including segments (22) attached by elastomeric members (40). Each of the segments (22) has a first surface of a first color and an opposite second surface of a second color. Roussel does not disclose the idea of attaching at least one second character set on the rear surface of the first panel. Oelschlaeger shows in figures 1-5 the idea of attaching a first character set (22) on a front surface of a first panel (14) and a second character set (22) on a rear surface of the first panel (14) in order to allow information to be displayed on both the front and rear surfaces of the first panel. In view of the teachings of Oelschlaeger it would have been obvious to one in the art to modify Roussel by attaching a second character set to the rear surface of the first panel since this would allow information to be displayed in opposite directions which would allow the information on the display to be seen by more observers. The second set would be attached with elastomeric members in the same manner as the first character set. In regard to claim 3, Roussel shows in figure 1 that the first panel carries multiple character sets (12,14). In regard to claim 5, Roussel does not disclose the use of a frame. Oelschlaeger shows a frame (10,12) attached to the first panel. In view of the teachings of Oelschlaeger it would have been obvious to one in the art

to modify Roussel by attaching a frame to the panel since this would allow the panel to be supported on a display stand in an easier, more convenient manner, and in a more aesthetically pleasing manner. In regard to claim 9, Roussel shows in figures 1 and 2 that the character set comprises seven segments. In regard to claim 10, Roussel does not disclose the use of a supporting stand. Oelschlaeger shows a supporting stand (18). In view of the teachings of Oelschlaeger it would have been obvious to one in the art to attach the panel to a supporting stand since this would allow the panel to be seen in a better and more aesthetically pleasing manner.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of Oelschlaeger (U.S. Patent No. 3,740,878) as applied to claim 11 above and further in view of Cihanek (U.S. Patent No. 4,729,184).

In regard to claim 6, Roussel does not disclose the type of material used to make the panel. Cihanek discloses in column 2, lines 57-65 the idea of making a display panel (10 or 12) out of a plastic material. In view of the teachings of Cihanek it would have been obvious to one in the art to modify Roussel by making the panel out of plastic since this would allow the panel to be made in an easier and faster manner and would make the panel more durable. In regard to claim 8, Roussel does not disclose the idea of making the first color a fluorescent color. Cihanek discloses in column 2, lines 55-56 the idea of making a first color a fluorescent color. In view of the teachings of Cihanek it would have been obvious to one in the art to modify Roussel by making the first color fluorescent since this would allow the first color to be seen in a better manner.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roussel (U.S. Patent No. 5,526,599) in view of Oelschlaeger (U.S. Patent No. 3,740,878) as applied to claim 11 above and further in view of Cooper et al. (U.S. Patent No. 5,737,862) or Gossett (U.S. Patent No. 2,104,366).

Roussel in view of Oelschlaeger do not disclose the use of a transparent cover. Cooper et al. shows in figures 1 and 2 a transparent cover (40) attached to a changeable display. Gossett shows in figures 1 and 2 a transparent cover (2) attached to a changeable display. In view of the teachings of Cooper et al. or Gossett it would have been obvious to one in the art to modify Roussel by attaching a transparent cover over the first panel since this would help to protect the segments from damage and would help to prevent the segments from being tampered with by unauthorized personnel.

#### *Response to Arguments*

Applicant's arguments filed Aug. 3, 2004 have been fully considered but they are not persuasive.

The applicant argues that Roussel in view of Oelschlaeger fail to teach a direct interconnection between the two display sets. Oelschlaeger shows a panel (14) that includes display sets (22) on the front and back surfaces. The display sets are interconnected together. The applicant does not specifically state in claim 11, section (h) that the segments on the front surface are directly connected to the segments on the rear surface by the elastomeric members. The applicant might consider further defining in claim 11 that the elastomeric members pass

through holes formed through the panel, each respective elastomeric member is connected directly to a respective segment on the front surface and extending through one of the holes in the panel and being directly connected to a respective segment on the rear surface.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Brian K. Green*  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Oct. 15, 2004